

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TAMARA PRICE, *et al.*, on behalf of themselves
and all individuals similarly situated,

Plaintiffs,

v.

MOBILOANS, LLC,

Defendant.

Civil Action No. 3:18-cv-00711-MHL

MEMORANDUM IN SUPPORT OF MOTION TO SEAL

Plaintiffs, by counsel, pursuant to Rule 5 of the Local Rules of the United States District Court for the Eastern District of Virginia, move to seal Exhibits 2- 5, attached to their Reply in Support of Motion for Jurisdictional Discovery (Dkt. 19). Plaintiffs also move to seal the portions of their memorandum that paraphrase or quote the exhibits.

To present necessary information in support of their motion to compel documents withheld on the basis of attorney client privilege, Plaintiffs needed to file Exhibits 2-5, which contained documents or information designated as confidential by a party pursuant to a protective order entered in another case styled *Gibbs v. Rees*, Case No. 3:17-cv-386 (E.D. Va.). Generally, there is a First Amendment and common law qualified public right of access to judicial proceedings, including the records of all such proceedings. *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606–07 (1982); *Nixon v. Warner Comm’ns Inc.*, 435 U.S. 589, 597 (1978). Non-discovery motions are presumed to be records of judicial proceedings to which the right of access attaches unless there is a compelling confidentiality interest. *Id.* If the interest in preserving confidentiality is compelling, the remedy must be narrowly tailored. *Id.* The judicial officer may deny access when

sealing is “essential to preserve higher values and is narrowly tailored to serve that interest.” *Baltimore Sun Co. v. Goetz*, 886 F.2d 60, 65–66 (4th Cir. 1989).

One exception to the public’s right of access is where such access to judicial records could provide a “source[] of business information that might harm a litigant’s competitive standing.” *Nixon*, 435 U.S. at 498. Courts, including the Fourth Circuit, have recognized an exception to the public’s right of access when a case involves trade secrets. *Woven Elecs. Corp. v. Advance Grp., Inc.*, 930 F.2d 913 (4th Cir. 1991) (citing *Valley Broadcasting v. United States District Court*, 798 F.2d 1289, 1294 (9th Cir. 1986); *In re Iowa Freedom of Information Council*, 724 F.2d 658 (8th Cir. 1983); *Brown & Williamson Tobacco Co. v. FTC*, 710 F.2d 1165, 1180 (6th Cir. 1983)).

In accordance with the Local Rules, Plaintiffs provide the following description of the documents: Exhibit 2 is a participation agreement between GPL Servicing and MobiLoans; Exhibit 3 is a licensing agreement between TC Decision Sciences and MobiLoans; Exhibit 4 is a marketing agreement between Tailwind Marketing and MobiLoans; and Exhibit 5 is a services agreement between TC Administrative Services and MobiLoans. Plaintiffs do not challenge the confidentiality designations made by GPLS regarding these documents and, thus, ask the Court to seal them in accordance with the protective order entered in that case. *See Gibbs v. Rees*, Case No. 3:17-cv-386 (E.D. Va.), Dkt. 60, Sept. 5, 2017 Protective Order.

Respectfully submitted,
PLAINTIFFS

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system which will send a notification of such filing (NEF) to all counsel of record.

/s/

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